

IN THE DISTRICT COURT OF THE ~~UNITED STATES~~
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2005 OCT 31 P 4:28

UNITED STATES OF AMERICA,

JUDGE J. RACKETT CO.
DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff,

Misc No 2:05mc3268

v.

CIVIL ACTION NO. 00-D-698-N

STATE OF ALABAMA

DEPARTMENT OF LABOR,

Montgomery, AL,

Garnishee,

JACQUELINE J. ROBINSON TUCKER,

Defendant.

APPLICATION FOR WRIT OF GARNISHMENT

The United States of America makes application in accordance with 28 U.S.C. Section 3205(b) (1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the Judgment entered against the defendant, Jacqueline J. Robinson Tucker, in the above cited action in the amount of \$6,126.58, plus costs and interest. The last four digits of defendant's social security number is 3751, and the defendant's last known address is 2748 Country Brooke Drive, Montgomery, Alabama 36116, In addition, the United States respectfully request a surcharge of 10 percent of the total amount due as allowed under Title 28 U.S.C. §3011. There is a balance due of \$4,779.79, as of October 31, 2005, which includes

a 10 percent surcharge of \$434.53.

Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from October 31, 2005, but defendant has failed to satisfy this debt.

The Garnishee is believed to owe or will owe money to the judgment debtor, or is in possession of property of the debtor, in which the debtor has a substantial non exempt interest.

The name and address of the Garnishee or his authorized agent is:

State of Alabama Department of Labor
100 N. Union Street
Montgomery, AL 36104

DATED: October 31, 2005

LEURA G. CANARY
UNITED STATES ATTORNEY

BY: 

R. RANDOLPH NEELEY
ASSISTANT UNITED STATES ATTORNEY
Bar No. 9083-E56R

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UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
STATE OF ALABAMA)
DEPARTMENT OF LABOR,)
Montgomery, AL,)
Garnishee,)
JACQUELINE J. ROBINSON TUCKER,)
Defendant.)

F. W. HACKETT, CLERK
MIDDLE DISTRICT OF ALABAMA
Mac No. 2-05mc-
3268

CIVIL ACTION NO. 00-D-698-N

TO: State of Alabama Department of Labor
100 N. Union Street
Montgomery, AL 36104

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody, or control any of the property or funds of the debtor listed therein, or any other property of the debtor. Title 28, United States Code, Section 3205(c)(2)(E) requires that you file a written Answer within 10 days of your receipt of this Writ with the Court and serve a copy of the Answer upon the debtor and counsel for the United States. You are further required to withhold and retain any

property or funds in which the debtor has a substantial non-exempt interest.

1. **AMOUNT GARNISHED**. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment or Affidavit served upon you. The amount garnished consists of all of these.

2. **AMOUNT WITHHELD**. Under federal law, 15 U.S.C. Section 1673(a), you should withhold each pay period:

- (a) 25% of disposable earnings each week, or
- (b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage,

whichever is less.

3. "**DISPOSABLE EARNINGS**" means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. Section 1672(b); First National Bank v. Hasty, 415 F.Supp. 170 (E.D. Mich, 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).

4. **DISBURSEMENT OF WITHHELD AMOUNTS**. Each pay period, amounts withheld should be remitted to the Office of the United States Attorney.

Mail Remittances to: U. S. Attorney's Office
Attn: D. Aldridge
Middle District of Alabama
Post Office Box 197
Montgomery, Alabama 36101

Your check or money order should be made payable to "U. S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY FEE IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Ms. Antrena Gardner at (334) 223-7280, or write to: United States Attorney's Office, Financial Litigation Division, Post Office Box 197, Montgomery, Alabama 36101.

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STATE OF ALABAMA)
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Montgomery, AL,)
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Garnishee,)
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JACQUELINE J. ROBINSON TUCKER,)
)
Defendant.)

J.P. HACKETT
MIDDLE DISTRICT COURT
2005 MC 3268

CIVIL ACTION NO. 00-B-698-N

NOTICE OF GARNISHMENT AND INSTRUCTIONS TO DEBTOR

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a Judgment entered against you on July 11, 2000. The Garnishment was served on the State of Alabama Department of Labor, garnishee, and it is believed that the garnishee may have property of yours in its custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written Objection to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered attaching the funds or property and the

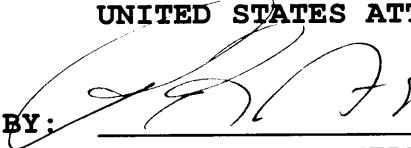
funds or property will be applied against the Judgment owed the United States of America.

Any objection that you file to contest the Garnishment must be filed in the Office of the Clerk of the United States District Court, Middle District of Alabama, at One Church Street, or Post Office Box 711, Montgomery, Alabama 36101. The Objection must state your reasons for believing that this property is not subject to attachment by the United States of America. A copy of the Objection or other pleadings must also be served on: (1) the United States Attorney for the Middle District of Alabama, One Court Square, Suite 201, or Post Office Box 197, Montgomery, Alabama 36101, and (2) State of Alabama Department of Labor, 100 N. Union Street, Montgomery, AL 36104.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

LEURA G. CANARY
UNITED STATES ATTORNEY

BY:


R. RANDOLPH NEELEY
Assistant United States Attorney
Bar No. 9083-E56R

Post Office Box 197
Montgomery, Alabama 36101
Office: (334) 223-7280
Fax: (334) 223-7201